

**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**NOGCC AND EPA**

**PART OF EPA**

**PRIMACY AGREEMENT**

Underground Injection Control Program  
Memorandum of Agreement  
Between  
The State of Nebraska  
Oil and Gas Conservation Commission  
and  
The United States Environmental Protection Agency  
Region VII

I. General

This Memorandum of Agreement ("Agreement") establishes policies, responsibilities, and procedures for the State of Nebraska Oil and Gas Conservation Commission Underground Injection Control Program as authorized by Section 1425 of the Safe Drinking Water Act (Pub. L. 93-523 as amended (SDWA or the Act)).

This Agreement is entered into by the State of Nebraska Oil and Gas Conservation Commission and signed by Paul H. Roberts, Director, with the United States Environmental Protection Agency, Region VII (and signed by EPA Regional Administrator) (EPA or Regional Administrator). After it is signed by the State and the Regional Administrator, this Agreement shall become effective on the date the notice of State Program approval is published in the Federal Register.

The Nebraska Oil and Gas Conservation Commission is responsible for, and has authority over all Class II injection wells and is responsible for administering the State Program for the injection wells under its jurisdiction including, but not limited to reports, permits, monitoring, inspection and enforcement actions.

This Agreement shall be reviewed annually as part of the annual program grant and State/EPA Agreement (SEA) process and may be amended, modified or revoked and shall become an addendum and part of the Memorandum of Agreement submitted by the Nebraska Department of Environmental control when the state assumes primacy for all other classes of injection wells. The annual program



grant and the SEA shall be consistent with this Agreement and may not override this Agreement. It is understood that the Nebraska Department of Environmental Control (DEC) will make application for, and receive from EPA all grants provided under the SDWA.

This Agreement may be modified upon the initiative of the State or EPA. Modifications must be in writing and must be signed by the Director and the Regional Administrator. Modifications become effective when signed by the Regional Administrator. Modifications may be made by revision prior to the effective date of this Agreement or after the effective day by consecutively numbered and dated addenda attached to this Agreement and consecutively numbered, signed and dated.

This Agreement shall remain in effect as long as the State has primary enforcement authority for the State Program.

When the State has a fully approved program, EPA will not take enforcement actions without providing prior notice to the State and otherwise complying with Section 1423 of the SDWA.

Within 270 days of the effective date of any revisions or additions to any regulations of 40 CFR Parts 122, 123, 124 or 146 issued under Section 1421 of the SDWA, the State shall submit a notice to EPA showing that the State Program meets the revised or added requirement provided that EPA furnishes notice to the State of any such revisions or additions within 30 days of the effective date of said changes.

The State shall administer the State Program in accordance with the program submission, the SDWA, and applicable regulations.

EPA shall promptly inform the State of the issuance, content, and meaning of federal statutes, regulations, guidelines, standards, judicial decisions, policy decisions, directives, and any other factors which might affect the State Program.

The State shall promptly inform EPA of any proposed or pending modifications to laws, regulations, or guidelines, and any judicial decisions or administrative actions which might affect the State Program and the State's authority to administer the program. The State shall promptly inform EPA of any resource allocation changes which might affect the State's ability to administer the program.

An underground source of drinking water (USDW) for purposes of the State Program under this Agreement shall be defined as an aquifer or portion thereof which supplies water for human consumption, or in which the ground water contains fewer than 10,000 mg/l TDS, and is not an exempted aquifer. An aquifer or portion thereof which would otherwise meet the definition of USDW may be exempted from protection under this program by the Director after public notice and opportunity for public hearing upon approval by the Regional Administrator. An aquifer or portion thereof may be exempted if it does not currently serve as a source of drinking water and it cannot now, and will not in the future serve as a source of drinking water (as specified in 40 CFR Part 146.04). Aquifer exemptions subsequent to program approval shall be treated as program modifications (as specified in 40 CFR 122.35).

## II. Responsibilities

### A. Sharing of Information

All information and records obtained or used in the administration of the State Program including all UIC permit files shall be available to EPA upon request without restriction except that any information obtained from the State by EPA which is subject to a claim of confidentiality shall be treated by EPA in accordance with EPA regulations governing confidentiality (40 CFR Part 2).

EPA shall furnish to the State the information in its files which the State needs to implement the State Program, subject to EPA regulations governing confidentiality (40 CFR Part 2) and Federal provisions governing data transfer. The State shall retain records used in the administration of the program for three years (40 CFR Parts 30 and 35) unless an enforcement action is pending. In that event, all records pertaining to such action shall be retained until such action is resolved.

### B. State Reports

(1) The State shall submit to the Regional Administrator quarterly reports as specified in the annual program grant. Quarterly reports, due to EPA no later than 30 days after the end of the quarter, shall describe work progress by program element.

(2) The State shall submit quarterly noncompliance reports (as specified in 40 CFR Part 122.18(a) on major permittees in accordance with the following schedule:

January, February, March

- due May 31

April, May, June

- due August 31

July, August, September

- due November 30

- (3) The State shall submit annual noncompliance reports (as specified in 40 CFR Part 122.18(c)(1) on non-major permittees no later than February 28, of each year. The reporting period shall be the calendar year ending December 31.

The State shall submit the noncompliance reports in the required format (as specified in 122.18(a)(1)) including the current status and/or outcome of any actions taken by the Director against those who are not in compliance.

- (4) The State shall submit to EPA an annual program report as specified in Section 1425 of the SDWA. This report shall include a detailed description of the State's implementation of its program, suggested program changes, a description of activities by program element, an estimate of expenditures by program element and an updated inventory of active underground injection operations. This report shall cover the calendar year ending December 31 and shall be due to EPA no later than 60 days after the end of the year.

- (5) In addition to the quarterly grant reports, the noncompliance reports and the annual program report, the State shall submit the mid-course evaluation information (as specified in 40 CFR Part 122.18(c)(4)(ii) and Parts 146.15, 146.25, and 146.35) to EPA by February 28 and August 31 of each of the first two years of program operation after State Program approval. The August 31 submission shall be for the six months reporting period from January through June and the February 28 submission shall be for the six month reporting period from July through December. After the first submission, the subsequent three reports may reference the original submission.

The State shall submit all reports in the format requested by EPA.

All reports may be submitted and included with said reports submitted by Nebraska Department of Environmental Control provided said reports are due and required to be submitted by NDEC.

C. Program Evaluation

EPA shall conduct an annual evaluation of the State Program using the State reports and requested information to determine State Program consistency with the program submission, the SDWA, the applicable regulations, and applicable guidance and policies. The evaluation will not only include a review of financial expenditures but review on progress toward program implementation, change in the program description and efforts toward progress on program elements. EPA shall submit a draft of the program evaluation to the State for their review and comment within 15 working days after the submission of the annual program report. The State shall have 15 working days to submit comments on the draft evaluation to EPA. EPA shall make recommendations to the State based on the program evaluation.

EPA shall conduct a second evaluation during the year, at their discretion.

D. Compliance Monitoring and Enforcement

(1) The State agrees to maintain a vigorous enforcement program, including a program to assess compliance by operators/owners of injection facilities, and to take timely and appropriate enforcement action in every case where such action is warranted. Injection practices endangering public health shall receive immediate attention.

Provisions also may be made within the context of the MOA for the Regional Administrator to select facilities and activities within the States for EPA inspection. The basis for EPA inspections shall be the State's program for inspection and surveillance. The State's

priority system and schedule for injection well inspections shall be used by EPA to determine the frequency and types of inspections that it may conduct. The State's inspection procedures should, at a minimum, include the inspection of all major facilities annually and all others on a regular basis.

EPA may under agreement with the State conduct periodic site and activity inspections on a sample of injection well permits, and regulations by rule, giving priority to operations having the greatest potential to endanger the public health.

The priority system and schedule for inspections shall be detailed in the Program description. The Director and the Regional Administrator will meet as needed to develop lists of facilities to be inspected. The Director shall give the Regional Administrator adequate notice and opportunity to participate in the inspections performed by the State. The actual facilities and activities that the EPA and the State agree to inspect and review during the year should be specified in the annual State/EPA agreement, including the name of the facility, type of operation, and location of the facility.

If the Regional Administrator makes a determination that additional compliance monitoring inspections are necessary, he/she shall notify the Director of such determination, and request the Director to conduct those inspections in his presence. The Director shall also give the Regional Administrator adequate notice and opportunity to participate in additional compliance evaluation inspections performed by the Director.

The Regional Administrator shall under most circumstances provide advance notification of inspections that have been agreed upon in

the State/EPA agreement. Notification to the Director shall be either by telephone or in writing at least seven days before any such inspection. However, if an emergency exists, or for some other reason it is impossible to give advance notification, the Regional Administrator may waive advance notification to inspect a facility.

- (2) Compliance Monitoring: The State shall operate a timely and effective compliance monitoring information system to track compliance with permit conditions and program requirements. For purposes of this Agreement, the term compliance monitoring shall refer to all efforts associated with assuring full compliance with UIC program requirements. The State agrees to maintain procedures to receive, evaluate, retain and investigate all notices and reports that are required by permit compliance schedules and program regulations. These procedures shall also include the necessary elements to investigate the failure of persons required to submit such notices and reports. The State shall initiate appropriate compliance actions when required information is not received or when the reports are not submitted.

The State shall conduct a timely and substantive review of all such reports to determine compliance status. The State shall operate a system to determine if: (1) the reports required by permits and program regulations are submitted; (2) the submitted reports are complete and accurate; and (3) the permit conditions and program requirements are met. The reports and notices shall be evaluated for compliance status in accordance with the State compliance program and the program requirements.

The Director agrees to have inspection and surveillance procedures to determine compliance or noncompliance with the applicable requirements

of the UIC program. Surveys or other methods of surveillance shall be utilized to identify persons who have not complied with permit applications or other program requirements. Any compilations, index, or inventory obtained for such facilities or activities shall be made available to the Regional Administrator upon request.

The Director shall conduct periodic inspections of the facilities and activities subject to regulatory requirements. These compliance monitoring inspections shall be performed to assess compliance with all UIC permit conditions or UIC program requirements and includes selecting and evaluating a facility's monitoring and reporting program. These inspections shall be conducted to determine the compliance or noncompliance with the issued permits, verify the accuracy of the information submitted by permittees in reporting forms and monitoring data, and to verify the adequacy of sampling, monitoring and other methods to provide the information. The State shall also maintain a program to investigate information obtained regarding violations of the applicable program requirements.

The Director shall provide opportunity for the public to submit information on violations, and to have procedures for receiving and ensuring proper consideration of the information.

The Director, or his authorized representative, engaged in compliance monitoring and evaluation has the authority to enter any site or premises subject to regulation, or to review and copy the records of relevant program operations where such records are kept.

Any investigatory inspections initiated by the Director shall be conducted, and monitoring and other information collected in a manner to provide evidence admissible in an enforcement proceeding or in court.



Whenever either party requests information concerning a specific injection operation and the requested information is available from the files, that information will be provided within a reasonable time. If requested information is not available, the party to whom the request was directed shall promptly notify the requestor.

The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program.

The State is responsible for taking timely and appropriate enforcement action against persons in violation of program requirements, compliance schedules, technical requirements, permit conditions, and other UIC program requirements. This includes violations detected by State or Federal inspections.

Failure by the State to initiate appropriate enforcement action against a substantive violation may be the basis for EPA's determination that the State has failed to take timely enforcement action.

The State shall restrain immediately any person engaging in any unauthorized activity or operation which is endangering or causing damage to public health as applicable to the program requirements.

The State agency administering the program shall also sue in courts to prohibit any threatened or continuing violation of any program requirement.

The State shall provide the public an opportunity to participate in the State enforcement process, including intervention by any citizen having an interest which might be affected, and assurances that citizen complaints shall be investigated and given a written response.

The State shall not allow any mechanical integrity tests other than those specified in the program application unless the Director notifies the Regional Administrator and provides information about the proposed test procedure which is sufficient to make a decision about its usefulness and reliability.

E. Permit Transfer and Processing

EPA will promptly transfer to the State all pending underground injection control permits, permit applications, supporting files, and other relevant information.

EPA will promptly transfer to the State all existing underground injection control permits.

EPA and the State will coordinate the processing of permits for facilities or activities that require UIC permits from both EPA and the State under different programs.

F. Permit Review

~~As an attachment to the~~ quarterly program grant reports and in addition to the annual inventory update, the State shall submit to EPA a list of all injection well permits issued during the quarter.

The list shall include:

- o order number
- o owner/operator name and address
- o well class designation (as delineated on EPA Form 7500-48, "Inventory of Injection Wells")
- o well location and receiving formation, and
- o permit type (area, single well; issued under waiver; exceptions or special permit conditions; emergency permits, etc.)

EPA will use this list as one basis for selecting permit files to review and sites to visit.

However, any time after State Program approval, the State shall promptly submit to EPA upon request any injection well permit information.

G. Emergency Action

The Director shall immediately notify the Regional Administrator by telephone, or otherwise, of any endangerment to public health resulting from the actual or threatened direct or indirect injection of fluids into the ground water of the State.

H. Independent LPA Powers

Nothing in this agreement shall be construed to limit the authority of the EPA to take action pursuant to Sections 1421, 1422, 1423, 1424, 1425, 1431 or other Sections of the SDWA.

\_\_\_\_\_ date \_\_\_\_\_

title \_\_\_\_\_

\_\_\_\_\_ date \_\_\_\_\_

title \_\_\_\_\_

GWP 1-

FEB 4 1983

Honorable Robert Kerrey  
Governor of Nebraska  
Lincoln, Nebraska 68509

Dear Governor Kerrey:

I am pleased to inform you that the Nebraska application for authorization to implement an Underground Injection Control (UIC) program for Class II (oil and gas related) wells under Section 1425 of the Safe Drinking Water Act has been approved.

This program delegation is effective now, allowing the Nebraska Oil and Gas Conservation Commission to begin issuing UIC permits for Class II oil and gas wells under the UIC program.

If you have additional questions, please contact me at (816) 374-6401. A member of my staff who is most familiar with this subject, Mr. Allen J. Abramson, (816) 374-6401, can also provide additional information.

Sincerely yours,

Morris Kay  
Regional Administrator

cc: Paul Roberts  
Nebraska Oil and Gas Conservation Commission

~~Mr. Morris Kay~~ ~~WBRG~~  
Nebraska Department of Environmental Control

bcc: Paul Baltay (WH-550)  
Jack Morse, CNEL

LEAD: A. Ludwig: 2-4-83: X6514

LUDWIG  
2/4/83

OWNS  
2/4/83

2/4/83

WATR: *Walker*  
ABRAMSON  
2/4/83

CNEL:  
MORSE  
2/4/83

RGAD:  
KAY

FEB 4 1983

Mr. Paul Roberts, Director  
Nebraska Oil and Gas Conservation Commission  
Post Office Box 399  
Sidney, Nebraska 69162

Dear Mr. Roberts:

I am pleased to inform you that Nebraska's application for authority to implement an Underground Injection Control (UIC) program for Class II (oil and gas related) wells under Section 1425 of the Safe Drinking Water Act has been approved.

This program delegation is effective now, allowing you to begin UIC permits for Class II injection wells under the UIC program.

I appreciate the cooperation extended to the members of my staff during the delegation process and we look forward to our continued work together.

If you have additional questions, please contact me at (816) 374-5514, member of my staff who is most familiar with this subject, Mr. Thomas G. Elliott, (816) 374-5514, can also provide additional information.

Sincerely yours,

Morris Kay  
Regional Administrator

cc: *Donnell G. Lewis*  
Nebraska Department of Environmental Control

cc: Paul Baltay (WEH-550)  
Jack Morse CNSL

WATER/DRINK: A. L. W. 12-1-83 26514

GWS: MCL  
LJUNG  
2/4/83

GWS: MCL  
CAREY  
2/4/83

WATER: WALKER  
BRAMSON  
2/4/83

CNSL: MORSE  
2/4/83

ECAD: KAY  
2/4/83

NEBRASKA  
PROGRAM DESCRIPTION  
UNDERGROUND INJECTION CONTROL  
CLASS II WELLS

Nebraska Oil and Gas Conservation Commission  
P. O. Box 399  
Sidney, Nebraska 69162  
(308) 254-4595

## 1. STRUCTURE AND SCOPE OF UIC PROGRAM

State of Nebraska UIC Program is a joint effort of the Nebraska Oil and Gas Conservation Commission and the Nebraska Department of Environmental Control.

Current procedures provide that the Nebraska Department of Environmental Control, hereinafter called "DEC," act as the state agency for the receipt of funds from EPA, subcontracting to the Nebraska Oil and Gas Conservation Commission, hereinafter called "Commission," the funding for the Class II part of the UIC Program. Coordination between the Commission and DEC is maintained by personal and telephone contact as well as through meetings for the documentation of match time and progress reports. In addition, the Commission staff provides technical support services to DEC.

The Commission has statutory authority for the regulation of oil and gas related activities in the state. Included in these statutory duties is the regulation of enhanced recovery processes and disposal of water produced with oil and/or gas. The Commission is a quasi-judicial body empowered to both enact and enforce rules and regulations and issue orders as may be required to insure that the intent and purpose of the Nebraska Oil and Gas Conservation Act is effectively enforced. Sections 57-901 through 57-922, Revised Statutes Nebraska, provide the basic authority for the Commission's activities.

The Commission may issue special field rules to provide for the orderly development of an oil and gas reservoir, which special field rules may provide for injection operations. In no case will any special field rules, which may be issued, provide for any injection operation where the requirements are less stringent than required by either federal law, Federal UIC regulations, Nebraska law or the Rules and Regulations of the Commission applicable to Class II wells.

The Commission is composed of three (3) Commissioners who serve for four (4) year staggered terms. Commissioners are appointed by the Governor and ratified by the Legislature. The Commission is authorized to appoint a Petroleum Engineer who serves as Secretary of the Commission and acts as the Commission Director. The Director is responsible for the operation of the Commission's activities and is empowered to hire the necessary staff to provide for the regulation required by the appropriate statutes and the rules and regulations and orders of the Commission. (See Page 3.)

The Commission staff consists of the following:

Director - A Petroleum Engineer with over 20 years experience in drilling, completion, and production operations, including design and installation of enhanced recovery facilities and water disposal injection wells.

Petroleum Engineer - A Petroleum Engineer with experience in well logging, reservoir engineering, and well completion practice.

Administrative Assistant - A Petroleum Geologist with experience in all phases of geology, including well site, mapping, and reservoir geology.

Oil and Gas Inspectors - The present staff includes two inspectors-- one with 10 years experience in well drilling, well work-over and production operations, including salt water disposal, and one with 30 years experience in drilling, completion, and production operations, including field operation of enhanced recovery injection wells and disposal wells.

Clerical - Two full-time positions and one part-time position manage the accounting and correspondence, the well files, and other records. In addition, a Court Reporter records and transcribes all of the public hearings.

The following general duties will be accomplished by the staff.

Director - Will provide overall administration of the program and provide a petroleum and geological engineering oversight of all applications and coordinate the Class II program with the Regional Office of EPA. Acts as Examiner in public hearings.

Administrative Assistant - Review all enhanced recovery injection and disposal well applications for accuracy and completeness, prepare drafts of permit orders, and review geological aspects of applications to insure protections of fresh water.

Petroleum Engineer - Review all enhanced recovery injection and disposal well applications for accuracy and completeness, prepare drafts of permit orders, review technical aspects of applications to insure protections of fresh water, and provides supervision of Oil and Gas Inspectors.

Oil and Gas Inspectors - Provide field supervision of monitoring tests, verify status and location of injection wells, sample and make tests of fresh water supplies to insure that no pollution is present.

Initially, it is expected that the staff work load, with respect to the UIC Program, will be distributed as follows:

<u>Duties</u>	<u>Time (work years)</u>
Administrative	0.10
Geological	0.25
Petroleum Engineering	0.65
Clerical and Court Reporting	0.50
Inspection and Monitoring	<u>1.00</u>
TOTAL	2.50



GOVERNOR

OIL AND GAS CONSERVATION COMMISSION  
Three Members

DIRECTOR

ADMINISTRATION AND RECORDS  
Administrative Assistant

DRILLING AND PRODUCTION  
Petroleum Engineer

Office Staff

Public Hearings

Oil and Gas Inspections

Well and Production Records

Public Hearings  
Case Records  
NGPA, UIC

Inspection,  
Monitoring

The Commission has operated an effective underground injection program for over 20 years under rules and regulations adopted in 1959, which rules prohibited underground injection unless authorized by Commission order. Periodic monitoring of injection wells is conducted and sampling and tests of fresh water supplies are made to insure that no contamination of such supplies occurs due to any oil and/or gas operation. Continuation of this basic program commits the state to expenditures in excess of the mandated 30 percent share. No less than 25 percent of all mechanical integrity tests will be supervised by Commission personnel.

The Commission has authority over all lands in the state, including state, municipal, federal, and Indian, although the state is not claiming jurisdiction on Indian land at this time. There are no Indian lands in Nebraska which are presently producing oil and/or gas, or upon which any injection well is located. However, should any Indian land become productive, the Commission would be in a position to regulate any injection wells which may be used for disposal or enhanced recovery.

At the present time, two produced water disposal wells are located on privately owned lands where the federal government owns the mineral estate. These wells were authorized and are operated under the supervision of the Oil and Gas Commission.

## 2. GENERAL PERMITTING PROCEDURES FOR INJECTION WELLS

Section 57-905, Revised Statutes Nebraska, states in part:

"The Commission shall have authority to require: ....(c) the drilling, casing, operating and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas strata, the pollution of fresh water supplies by oil, gas or salt water, and ...." (Pollution means the intrusion of any water, oil, gas, or other fluids from any formation into another formation unless authorized by order.)

"....to regulate: ....(d) operations to increase ultimate recovery; such as, but without limitation, the cycling of gas, the maintenance of pressure, and the introduction of gas, water or other substances into producing formations; and (e) disposal of oil field wastes, including salt water."

Pursuant to the above statutes, the Commission has promulgated rules and regulations which prohibit underground injection unless authorized by Commission order.

Rules and regulations may be adopted or modified only at public hearing after notice as required by law. Any person who is not satisfied by any rule, regulation or order of the Commission may file an appeal to the District Court within 30 days after the entry of such adoption or entry of an order. Rules relating to underground injection, upon which this program is based, were modified at public hearing on March 24, 1981. No appeal was filed within the 30 day time allowed. Said rules were then printed and

submitted to the Attorney General for review and to the Governor of the state of Nebraska for approval. Upon approval, said rules were then filed with the Revisor of Regulations and became effective on July 24, 1981. Said rules are final and may no longer be appealed.

The term "fresh water," or "potable water," as used in the rules and regulations, means a source of water used for drinking water purposes which is contained in an aquifer which contains less than 10,000 parts per million total dissolved solids, unless the aquifer is exempted. All fresh water aquifers must be afforded protection against the loss of water to any other strata, or the intrusion of any other water, oil, or gas from any other strata into the aquifer, or from any other injected fluids into, or from any other formation.

Commission Rule 3 provides general guidance for drilling, development, producing, and abandonment of wells. This rule sets forth the bonding requirements, reports required, general drilling requirements, general casing and cementing procedures, general plugging and abandonment methods, and pollution abatement procedures.

An application requesting authorization of underground injection shall be filed by the operator and must be in accordance with Rule 6, Rules of Practice and Procedure before the Oil and Gas Conservation Commission of the State of Nebraska. The application shall be signed by the person filing it, or his attorney, with mailing address shown, and shall contain all of the information required by Rule 4, Underground Injection, which, in summary, requires:

(a) A plat outlining the area which will be affected or that area within one-half (1/2) mile of the proposed injection well, whichever is the greater distance, showing all wells, including dry, abandoned, or drilling wells.

The term "area affected" means the entire area where the injected fluids are expected to flow or create a pressure buildup, such as the "zone of endangering influence," but in no case is the area affected for the purposes of notice and description to be less than a one-half (1/2) mile radius around the proposed injection well and includes the injection well.

(b) Names and addresses of each owner of record within the area shown on the required plat.

(c) A full description of the particular operation for which approval is requested.

(d) Copy of each completion report and logs. (Includes date of drilling.)

(e) A schematic diagram of each proposed injection well.

(f) A geologic description of the injection zone.

(g) Specifications of the casing and tubing.

(h) A description of the casing and cementing program.

(i) Information showing that injection into the proposed zone will not initiate vertical fractures into or through the overlying strata which could enable any injected or formation fluids to enter any fresh water zone.

(j) Information that no unplugged wells exist which will allow the migration of the injection fluids or formation to enter any fresh water strata.

(k) Information regarding the fracture pressures of the injection zone and the overlying strata.

(l) Proposed operating data.

(m) Requirements for initial mechanical integrity testing under supervision.

(n) Requirements for periodic mechanical integrity testing and monitoring under supervision. (See Rule 4(6)(b).)

(o) Provision for public notice of the filing of an application.

(p) Duration of underground injection orders.

(q) Transfer of authority to inject.

(r) More than one well may be included on an application, provided that such wells are associated with a single project or unit operation.

(s) A producing well or wells which are to be converted to injection must be approved in the same manner as a new injection well under the provisions of Rule 4.

### 3. APPROVAL OF APPLICATIONS FOR UNDERGROUND INJECTION

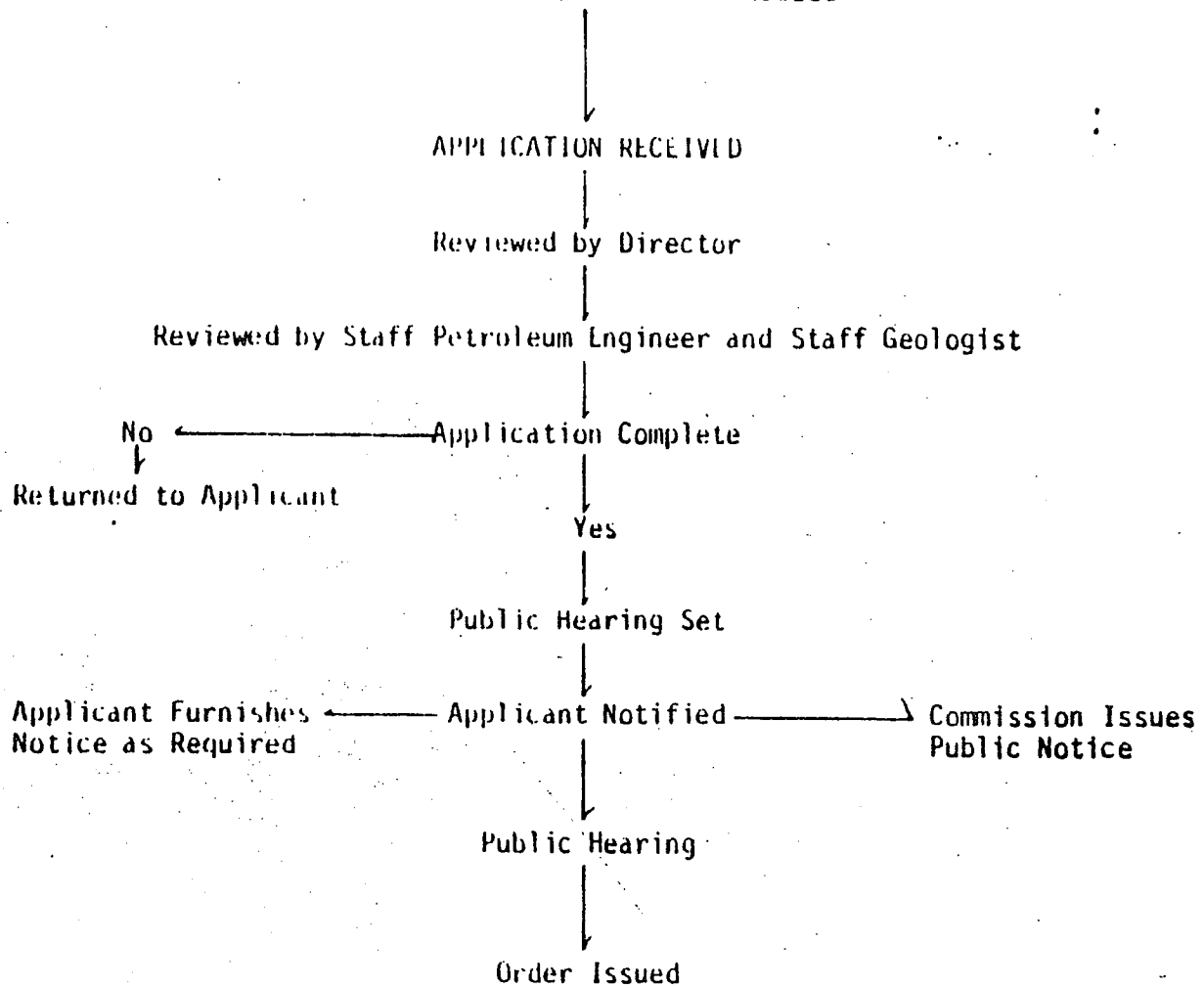
Upon receipt of an application, each application is subject to:

(a) Check for completeness and technical accuracy. If not complete or accurate, the application is returned to the applicant. If check indicates completeness and accuracy, the application is assigned a docket number and hearing date and the applicant is so notified.

(b) Notice is made by the Commission by publication in the legal newspaper of the county where the well is located. Notice by certified U. S. mail with return receipt is furnished by the applicant to all persons owning an interest in the land or minerals within one-half (1/2) mile of the proposed injection well, or wells. The applicant must furnish an affidavit of mailing of notice to the Commission. In addition, notice is also issued to any interested person requesting notification of such hearings.

(c) If no protest to the application is made by any interested party, or by the Commission itself, the application is granted administratively. In protested cases, the matter is heard at public hearing, either by an Examiner appointed by the Commission or the Commission itself. An order is issued within 30 days of the hearing.

INJECTION WELL APPROVAL PROCESS



(d) An order becomes effective after the date of appeal of a Commission order elapses subject to the applicant filing good and sufficient surety prior to operating or commencing drilling any well.

(e) Orders may be reviewed and revoked, reissued, or modified following public hearing called by the Commission or upon the request of any interested person.

(f) The Commission may issue an emergency order without notice or hearing when such emergency is found to exist. An emergency order is effective for no more than 20 days.

#### 4. PROGRAM DETAIL

##### (a) Aquifer protection and exemption

All aquifers within the state are afforded protection, as necessary, by requiring surface casing be run and cemented to the surface and by plugging requirements.

An aquifer study was completed by the Conservation and Survey Division, University of Nebraska, and the Department of Environmental Control for inclusion in the Nebraska UIC Program.

Historically, the Commission has required surface casing protection for all of the principal aquifers. Other aquifers meeting the definition of fresh water or drinking water which occur primarily in the Dakota Formation of Cretaceous Age have not been protected due to the fact that they are encountered at great depths and are oil and gas productive in a wide area of their occurrence. Some other local, isolated aquifers of very small extent and capacities have not been protected in the past by surface casing since their occurrence cannot be reasonably predicted. Such aquifers will be protected when and where their occurrence can be determined.

Underground disposal of produced water has been permitted only in those zones which exceed 10,000 mg/l total dissolved solids, or are oil and gas productive. Annular injection is prohibited.

An aquifer, or a portion of an aquifer, may be exempted after public hearing if:

(1) It cannot now and will not in the future serve as a source of drinking water because:

(i) It is mineral, hydrocarbon or geothermal energy producing.

(ii) It is located at a depth, or remote location, which makes recovery for drinking water purposes impractical.

(iii) It is so contaminated that it would be impractical to render the water fit for human consumption.

(b) Area of review and corrective action

Rule 4 of the Rules and Regulations of the Commission requires that all applications for enhanced recovery injection or disposal wells contain a plat showing the location and depth of all abandoned, producing, or drilling wells within one-half (1/2) mile of the proposed injection well(s), or within the area affected, and each governmental quarter section around the area affected.

If the records show a possibility that an unplugged or improperly completed well, fault, or other means may exist within the zone of endangering influence, any authorization will be contingent upon the operator taking such corrective action as may be necessary which may include, but is not necessarily limited to:

- (1) Remedial work on wells within the area of review.
- (2) Drilling and completion of monitoring wells.
- (3) Other permit conditions which may require additional monitoring.

(c) Monitoring and reporting requirements

Mechanical integrity of wells will be determined before any injection well shall be used and will include review of cement records. A well will have mechanical integrity if:

There is no significant leakage in the casing, tubing, or packer. This leakage may be determined by the following method:

(1) Pressure test with liquid or gas prior to use and thereafter no less than once each every five (5) years; or

(2) For those wells without tubing and packer after the initial pressure test the operator shall monitor and record actual injection pressure and the casing annulus pressure at least once each week and report such monitoring monthly, and at least once each five (5) years shall demonstrate the absence of fluid movement in vertical channels adjacent to the injection well bore by the use of tracer surveys, noise logs, temperature surveys or other tests or combination of tests approved by the Director.

Rules and Regulations provide for reporting as follows:

(1) Immediately upon the commencement of injection operations.

(2) Within 10 days after the discontinuance of injection operations, the operator shall notify the Commission of the date of such discontinuance and the reasons therefore.

(3) The operator shall monitor injection pressure and injection rate of each injection project on a monthly basis and report the results on Form 11.

(4) The operator must notify the Director within 24 hours of any mechanical failure or downhole problem which may result in any danger to any fresh water supplies or to oil or gas producing zones. Written notice of such problem must be submitted within five (5) days, along with a plan for repair and retesting.

(d) Surveillance and enforcement

Employees or the agents of the Commission have statutory authority to enter, inspect, or make investigations which are necessary to effectively enforce the provisions of the Act. For this purpose, the Commission employs Oil and Gas Inspectors, who, under the supervision of the Director and the Petroleum Engineer, conduct inspections of drilling wells, producing operations and disposal well injection operations.

Oversight inspections are conducted by the Director and/or Staff Petroleum Engineer at frequent intervals. With the current level of inspection, each approved or authorized injection well would be inspected no less than once each 60 days.

Commission personnel collect water samples from municipal, domestic, livestock, and irrigation wells in the oil and gas producing areas on a regular basis. These samples are analyzed for total dissolved solids and chloride content. With the background analysis available or known if any contamination of underground aquifers was taking place, these periodic tests would provide an immediate indication.

An UIC inspection report would be prepared for each inspection. Any case of noncompliance found during an inspection would be documented by the UIC inspection report and photographs or other documentation necessary for substantial probative evidence.

Enforcement, whether resulting from Commission observation or a complaint filed, follows the same general procedure: (see Page 12.)

(1) Investigation is conducted to determine facts. If a problem or violation is apparent, the operator is contacted. If the matter is urgent, contact is by telephone, otherwise by a written notice of violation.

(2) Operator is requested to correct the matter within a certain time frame. A follow-up inspection is made to determine compliance. If the matter is corrected, the file is closed.

(3) If the matter is not corrected, the following courses of action are taken. If a serious threat to life, health, or property would result in a continuation of the violation, charges are filed with the appropriate district court and an injunction is requested. If a serious threat is not present, the matter may be set for show cause hearing before the Commission at which time a schedule for compliance is established. Failure to comply with such a schedule is an offense which is punishable by a fine of \$1,000, plus \$1,000 for each day that the violation continues. Violation of any statute or rule and regulation of the Commission is cause for the Commission



to cancel Form 14, Authorization to Transport Oil and/or Gas from Lease. In addition, the operator may forfeit his well bond.

Nearly all complaints, whether filed by the Commission or an interested party, are concluded without the necessity of a hearing. All complaints in the past which were the subject of a hearing to cause compliance were brought to a conclusion and compliance by the operator except a few where compliance was secured through bond forfeiture. No case of noncompliance exists at this time. There is no record of any repeat violations by the same operator. No case of noncompliance has involved an underground injection project or well.

The Commission has experienced very few cases of noncompliance with the statutes or rules, regulations, or orders of the Commission. There is no record of noncompliance involving any underground injection project or well. The majority of the past violations have involved operators failing to properly restore lands to agricultural use after abandonment of wells. This work is easily accomplished with the costs assessed against the oil and gas bond. Failure to file completion reports, production reports, or other required reports occurs from time to time. Compliance is immediate when Form 14, Authorization to Transport Oil and/or Gas from Lease, is cancelled.

Repeat violations by the same operator are very rare. Since the Commission is a quasi-judicial body, referral of a violation to a court is seldom necessary.

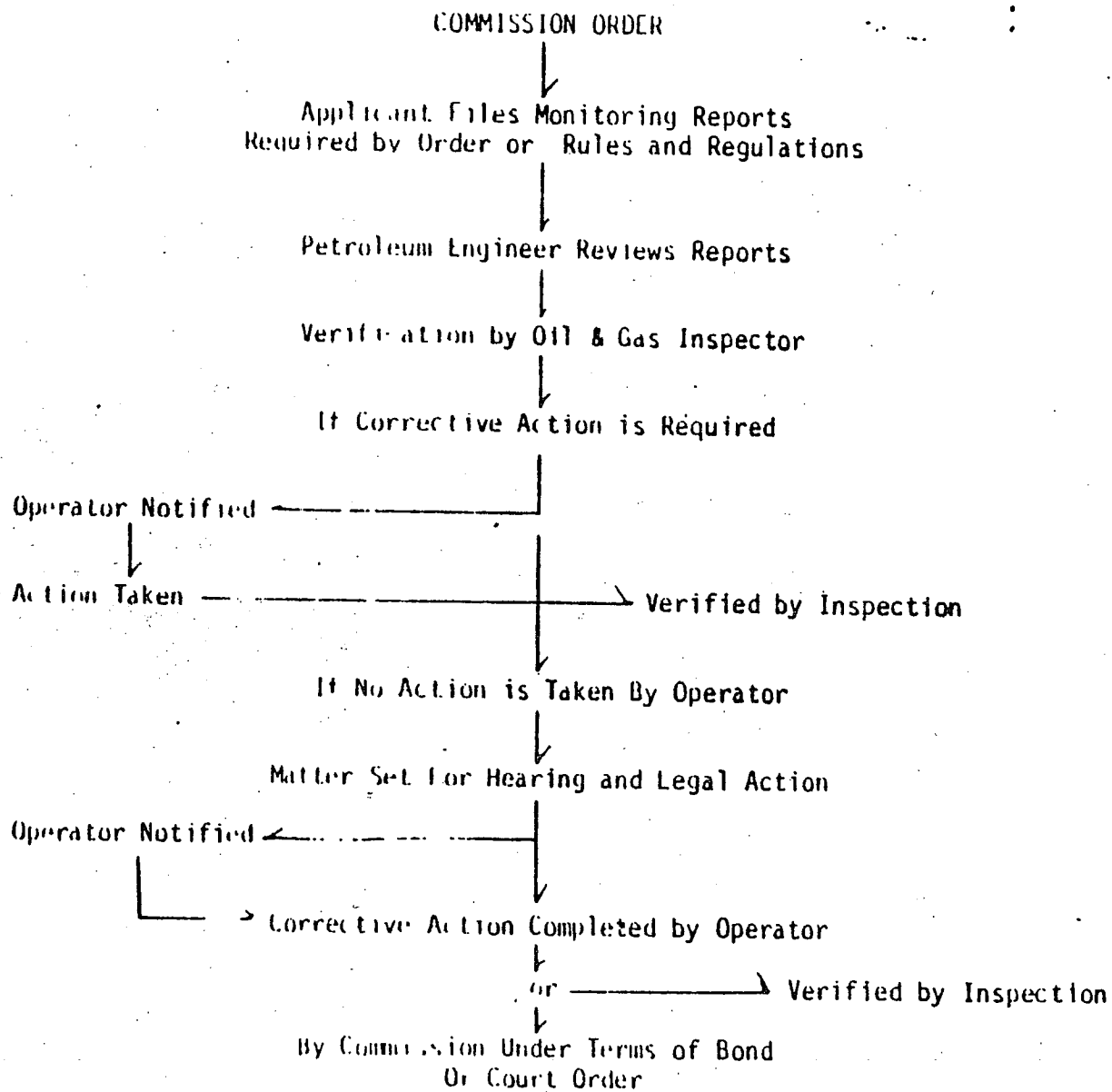
The Filing of a complaint by any interested party which may be cause for a public hearing does not require the party to pay the costs of the hearing. Any complaint hearing necessary is called by the Commission on its own motion.

Section 57-916, Revised Statutes Nebraska, provides that if the Commission should fail to enjoin a violation or threatened violation of Sections 57-901 to 57-921, Revised Statutes Nebraska, or any rule, regulation, or order of the Commission within 10 days after receipt of written request to do so by any person who is or will be adversely affected by such violation, the person making such request may bring suit in his own behalf to restrain such violation or threatened violation. The Commission shall be made a party defendant in such suit in addition to the person violating or threatening to violate and the action shall proceed and injunctive relief may be granted in the same manner as if suit had been brought by the Commission.

No cases of contamination of fresh water by any injection process has ever been recorded in the state.

Well failure is very rare in the state of Nebraska. Nearly all failures in the past occurred during workover operations when swabbing down the casing collapses the casing at the cement top. Injected waters for enhanced recovery are generally fresh and not corrosive. Produced waters which are injected for disposal are in most cases injected through tubing and packer with the annulus filled with a corrosion inhibiting fluid.

# INJECTION WELL OPERATION AND REPORTING



Electrolysis is nearly nonexistent. In many cases, mill stencils are visible on casing pulled from wells after periods of 10 to 15 years.

(e) Plugging and abandonment

Commission rules and regulations require notice to the Commission before any well with casing is plugged. Plugging procedure is approved treating each well separately. Since Nebraska is a "new" oil and gas producing state, all wells drilled have surface casing set through the fresh water zones and cemented to the surface. Logging is required and each log is reviewed to insure sufficient surface casing is set.

A minimum plugging procedure would require plugging of the perforated interval, either by placement of a permanent mechanical plug or sufficient cement to provide a seal, a cement plug at least 50 foot in length across the surface casing shoe, and a 10 sack cement plug in the top of the surface with heavy drilling mud between plugs. Many wells require an intermediate plug. Plugging may be supervised by an Oil and Gas Inspector.

No person may drill or operate any oil, gas, or injection well until a bond is filed in compliance with Rule 3(4). Such bond may be \$2,500 for each well or a \$10,000 "blanket" bond to cover any number of wells. In addition, any person other than the operator engaged in pulling casing from any well must furnish a \$10,000 bond to insure that each well is properly plugged and abandoned and the lands restored to agricultural use upon completion of plugging.

The Commission maintains a file on each well which includes the permit to drill, completion report, and/or plugging record, well logs, and other information, such as drill stem test reports, cores, bottom hole pressure, and production tests. Production statistics, including oil, gas, and water produced, are maintained on each lease or unit. All records are maintained as part of the Commission's permanent records.

All information is open to the public for inspection with facilities to copy such information available. The statutes provide that, upon written request of the operator, geological or other proprietary information may be held confidential for one year. Such confidential information will be made available upon request of EPA provided that EPA maintains the confidential status for the required period.

(g) Inventory and review of existing injection wells

Inventory of all Class II injection wells has been completed and is maintained current by preparing OMB Form No. 158-R0170 upon approval of all new injection wells. Upon completion, said forms are forwarded to DEC for entry into the EPA computer system.

Review of existing Class II injection wells will be made in accordance with the following schedule with the exact dates determined at the first of each year:

<u>Year</u>	<u>Counties to be Reviewed</u>
1983	Cheyenne, Dundy, Hitchcock, Lincoln, Morrill Scotts Bluff
1984	Harlan, Red Willow, Frontier
1985	Banner, Kimball

Review of existing Class II injection wells will be conducted in the following manner:

(1) A hearing shall be scheduled to review the order which authorized each existing injection well.

(2) The order may be revised to include maximum injection rate, maximum pressure, and any other requirement that may be necessary to insure adequate protection of fresh water supplies.

(3) A schedule will be established to provide for mechanical integrity testing of each existing injection well by modification of the authorization order and will provide for subsequent testing no less than once each five years thereafter. All casing will be pressure tested unless pressure testing is impractical where fresh water is injected for enhanced recovery purposes into casing without tubing and packer. Experience has shown that such wells develop a heavy coating of mineral deposits on the casing walls which would require drilling out to run tubing and packer. Generally, such wells are under pressure and do not have full bore hole size valves which would provide for entry into the casing unless the pressure was relieved which is detrimental to the ultimate recovery of oil.

All such wells without tubing and packer must be able to prove the absence of fluid movement in vertical channels adjacent to the injection well bore by the use of tracer surveys, noise logs, temperature surveys, or other tests, or combination of tests, approved by the Director. A minimum of 25 percent of all mechanical integrity tests will be supervised by Commission personnel.

(4) The order approving all new injection wells will include a provision for pressure testing the casing of such wells prior to their use for injection. In addition, the absence of fluid movement in vertical channels adjacent to the injection well bore must be proven by the use of cement bond logs, tracer surveys, noise logs, temperature surveys, or other tests or combination of tests approved by the Director.

Underground Injection Control Program  
Memorandum of Agreement  
Between  
The State of Nebraska  
Oil and Gas Conservation Commission  
and  
The United States Environmental Protection Agency  
Region VII

I. General

This Memorandum of Agreement ("Agreement") establishes policies, responsibilities, and procedures for the State of Nebraska Oil and Gas Conservation Commission Underground Injection Control Program as authorized by Section 1425 of the Safe Drinking Water Act (Pub. L. 93-523 as amended (SDWA or the Act)).

This Agreement is entered into by the State of Nebraska Oil and Gas Conservation Commission and signed by Paul H. Roberts, Director, with the United States Environmental Protection Agency, Region VII (and signed by EPA Regional Administrator) (EPA or Regional Administrator). After it is signed by the State and the Regional Administrator, this Agreement shall become effective on the date the notice of State Program approval is published in the Federal Register.

The Nebraska Oil and Gas Conservation Commission is responsible for, and has authority over all Class II injection wells and is responsible for administering the State Program for the injection wells under its jurisdiction including, but not limited to reports, permits, monitoring, inspection and enforcement actions.

This Agreement shall be reviewed annually as part of the annual program grant and State/EPA Agreement (SEA) process and may be amended, modified or revoked and shall become an addendum and part of the Memorandum of Agreement submitted by the Nebraska Department of Environmental control when the state assumes primacy for all other classes of injection wells. The annual program

grant and the SEA shall be consistent with this Agreement and may not override this Agreement. It is understood that the Nebraska Department of Environmental Control (DEC) will make application for, and receive from EPA all grants provided under the SDWA.

This Agreement may be modified upon the initiative of the State or EPA. Modifications must be in writing and must be signed by the Director and the Regional Administrator. Modifications become effective when signed by the Regional Administrator. Modifications may be made by revision prior to the effective date of this Agreement or after the effective day by consecutively numbered and dated addenda attached to this Agreement and consecutively numbered, signed and dated.

This Agreement shall remain in effect as long as the State has primary enforcement authority for the State Program.

When the State has a fully approved program, EPA will not take enforcement actions without providing prior notice to the State and otherwise complying with Section 1423 of the SDWA.

Within 270 days of the effective date of any revisions or additions to any regulations of 40 CFR Parts 122, 123, 124 or 146 issued under Section 1421 of the SDWA, the State shall submit a notice to EPA showing that the State Program meets the revised or added requirement provided that EPA furnishes notice to the State of any such revisions or additions within 30 days of the effective date of said changes.

The State shall administer the State Program in accordance with the program submission, the SDWA, and applicable regulations.

EPA shall promptly inform the State of the issuance, content, and meaning of federal statutes, regulations, guidelines, standards, judicial decisions, policy decisions, directives, and any other factors which might affect the State Program.

The State shall promptly inform EPA of any proposed or pending modifications to laws, regulations, or guidelines, and any judicial decisions or administrative actions which might affect the State Program and the State's authority to administer the program. The State shall promptly inform EPA of any resource allocation changes which might affect the State's ability to administer the program.

An underground source of drinking water (USDW) for purposes of the State Program under this Agreement shall be defined as an aquifer or portion thereof which supplies water for human consumption, or in which the ground water contains fewer than 10,000 mg/l TDS, and is not an exempted aquifer. An aquifer or portion thereof which would otherwise meet the definition of USDW may be exempted from protection under this program by the Director after public notice and opportunity for public hearing upon approval by the Regional Administrator. An aquifer or portion thereof may be exempted if it does not currently serve as a source of drinking water and it cannot now, and will not in the future serve as a source of drinking water (as specified in 40 CFR Part 146.04). Aquifer exemptions subsequent to program approval shall be treated as program modifications (as specified in 40 CFR 122.35).

## II. Responsibilities

### A. Sharing of Information

All information and records obtained or used in the administration of the State Program including all UIC permit files shall be available to EPA upon request without restriction except that any information obtained from the State by EPA which is subject to a claim of confidentiality shall be treated by EPA in accordance with EPA regulations governing confidentiality (40 CFR Part 2).

EPA shall furnish to the State the information in its files which the State needs to implement the State Program, subject to EPA regulations governing confidentiality (40 CFR Part 2) and Federal provisions governing data transfer. The State shall retain records used in the administration of the program for three years (40 CFR Parts 30 and 35) unless an enforcement action is pending. In that event, all records pertaining to such action shall be retained until such action is resolved.

### B. State Reports

(1) The State shall submit to the Regional Administrator quarterly reports as specified in the annual program grant. Quarterly reports, due to EPA no later than 30 days after the end of the quarter, shall describe work progress by program element.

(2) The State shall submit quarterly noncompliance reports (as specified in 40 CFR Part 122.18(a) on major permittees in accordance with the following schedule:

January, February, March

- due May 31

April, May, June

- due August 31

July, August, September

- due November 30



October, November, December

- due February 28

- (3) The State shall submit annual noncompliance reports (as specified in 40 CFR Part 122.18(c)(1) on non-major permittees no later than February 28, of each year. The reporting period shall be the calendar year ending December 31.

The State shall submit the noncompliance reports in the required format (as specified in 122.18(a)(1)) including the current status and/or outcome of any actions taken by the Director against those who are not in compliance.

- (4) The State shall submit to EPA an annual program report as specified in Section 1425 of the SDWA. This report shall include a detailed description of the State's implementation of its program, suggested program changes, a description of activities by program element, an estimate of expenditures by program element and an updated inventory of active underground injection operations. This report shall cover the calendar year ending December 31 and shall be due to EPA no later than 60 days after the end of the year.

- (5) In addition to the quarterly grant reports, the noncompliance reports and the annual program report, the State shall submit the mid-course evaluation information (as specified in 40 CFR Part 122.18(c)(4)(ii) and Parts 146.15, 146.25, and 146.35) to EPA by February 28 and August 31 of each of the first two years of program operation after State Program approval. The August 31 submission shall be for the six months reporting period from January through June and the February 28 submission shall be for the six month reporting period from July through December. After the first submission, the subsequent three reports may reference the original submission.

The State shall submit all reports in the format requested by EPA.

All reports may be submitted and included with said reports submitted by Nebraska Department of Environmental Control provided said reports are due and required to be submitted by NDEC.

C. Program Evaluation

EPA shall conduct an annual evaluation of the State Program using the State reports and requested information to determine State Program consistency with the program submission, the SDWA, the applicable regulations, and applicable guidance and policies. The evaluation will not only include a review of financial expenditures but review on progress toward program implementation, change in the program description and efforts toward progress on program elements. EPA shall submit a draft of the program evaluation to the State for their review and comment within 15 working days after the submission of the annual program report. The State shall have 15 working days to submit comments on the draft evaluation to EPA. EPA shall make recommendations to the State based on the program evaluation.

EPA shall conduct a second evaluation during the year, at their discretion.

D. Compliance Monitoring and Enforcement

(1) The State agrees to maintain a vigorous enforcement program, including a program to assess compliance by operators/owners of injection facilities, and to take timely and appropriate enforcement action in every case where such action is warranted. Injection practices endangering public health shall receive immediate attention. Provisions also may be made within the context of the MOA for the Regional Administrator to select facilities and activities within the States for EPA inspection. The basis for EPA inspections shall be the State's program for inspection and surveillance. The State's

priority system and schedule for injection well inspections shall be used by EPA to determine the frequency and types of inspections that it may conduct. The State's inspection procedures should, at a minimum, include the inspection of all major facilities annually and all others on a regular basis.

EPA may under agreement with the State conduct periodic site and activity inspections on a sample of injection well permits, and regulations by rule, giving priority to operations having the greatest potential to endanger the public health.

The priority system and schedule for inspections shall be detailed in the Program description. The Director and the Regional Administrator will meet as needed to develop lists of facilities to be inspected.

The Director shall give the Regional Administrator adequate notice and opportunity to participate in the inspections performed by the State. The actual facilities and activities that the EPA and the State agree to inspect and review during the year should be specified in the annual State/EPA agreement, including the name of the facility, type of operation, and location of the facility.

If the Regional Administrator makes a determination that additional compliance monitoring inspections are necessary, he/she shall notify the Director of such determination, and request the Director to conduct those inspections in his presence. The Director shall also give the Regional Administrator adequate notice and opportunity to participate in additional compliance evaluation inspections performed by the Director.

The Regional Administrator shall under most circumstances provide advance notification of inspections that have been agreed upon in

the State/EPA agreement. Notification to the Director shall be either by telephone or in writing at least seven days before any such inspection. However, if an emergency exists, or for some other reason it is impossible to give advance notification, the Regional Administrator may waive advance notification to inspect a facility.

- (2) Compliance Monitoring: The State shall operate a timely and effective compliance monitoring information system to track compliance with permit conditions and program requirements. For purposes of this Agreement, the term compliance monitoring shall refer to all efforts associated with assuring full compliance with UIC program requirements. The State agrees to maintain procedures to receive, evaluate, retain and investigate all notices and reports that are required by permit compliance schedules and program regulations. These procedures shall also include the necessary elements to investigate the failure of persons required to submit such notices and reports. The State shall initiate appropriate compliance actions when required information is not received or when the reports are not submitted.

The State shall conduct a timely and substantive review of all such reports to determine compliance status. The State shall operate a system to determine if: (1) the reports required by permits and program regulations are submitted; (2) the submitted reports are complete and accurate; and (3) the permit conditions and program requirements are met. The reports and notices shall be evaluated for compliance status in accordance with the State compliance program and the program requirements.

The Director agrees to have inspection and surveillance procedures to determine compliance or noncompliance with the applicable requirements

of the UIC program. Surveys or other methods of surveillance shall be utilized to identify persons who have not complied with permit applications or other program requirements. Any compilations, index, or inventory obtained for such facilities or activities shall be made available to the Regional Administrator upon request.

The Director shall conduct periodic inspections of the facilities and activities subject to regulatory requirements. These compliance monitoring inspections shall be performed to assess compliance with all UIC permit conditions or UIC program requirements and includes selecting and evaluating a facility's monitoring and reporting program. These inspections shall be conducted to determine the compliance or noncompliance with the issued permits, verify the accuracy of the information submitted by permittees in reporting forms and monitoring data, and to verify the adequacy of sampling, monitoring and other methods to provide the information. The State shall also maintain a program to investigate information obtained regarding violations of the applicable program requirements.

The Director shall provide opportunity for the public to submit information on violations, and to have procedures for receiving and ensuring proper consideration of the information.

The Director, or his authorized representative, engaged in compliance monitoring and evaluation has the authority to enter any site or premises subject to regulation, or to review and copy the records of relevant program operations where such records are kept.

Any investigatory inspections initiated by the Director shall be conducted, and monitoring and other information collected in a manner to provide evidence admissible in an enforcement proceeding or in court.

Whenever either party requests information concerning a specific injection operation and the requested information is available from the files, that information will be provided within a reasonable time. If requested information is not available, the party to whom the request was directed shall promptly notify the requestor.

The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program.

The State is responsible for taking timely and appropriate enforcement action against persons in violation of program requirements, compliance schedules, technical requirements, permit conditions, and other UIC program requirements. This includes violations detected by State or Federal inspections.

Failure by the State to initiate appropriate enforcement action against a substantive violation may be the basis for EPA's determination that the State has failed to take timely enforcement action.

The State shall restrain immediately any person engaging in any unauthorized activity or operation which is endangering or causing damage to public health as applicable to the program requirements.

The State agency administering the program shall also sue in courts to prohibit any threatened or continuing violation of any program requirement.

The State shall provide the public an opportunity to participate in the State enforcement process, including intervention by any citizen having an interest which might be affected, and assurances that citizen complaints shall be investigated and given a written response.

The State shall not allow any mechanical integrity tests other than those specified in the program application unless the Director notifies the Regional Administrator and provides information about the proposed test procedure which is sufficient to make a decision about its usefulness and reliability.

E. Permit Transfer and Processing

EPA will promptly transfer to the State all pending underground injection control permits, permit applications, supporting files, and other relevant information.

EPA will promptly transfer to the State all existing underground injection control permits.

EPA and the State will coordinate the processing of permits for facilities or activities that require UIC permits from both EPA and the State under different programs.

F. Permit Review

As an attachment to the quarterly program grant reports and in addition to the annual inventory update, the State shall submit to EPA a list of all injection well permits issued during the quarter.

The list shall include:

- o order number
- o owner/operator name and address
- o well class designation (as delineated on EPA Form 7500-48, "Inventory of Injection Wells")
- o well location and receiving formation, and
- o permit type (area, single well; issued under waiver; exceptions or special permit conditions; emergency permits, etc.)

EPA will use this list as one basis for selecting permit files to review and sites to visit.

However, any time after State Program approval, the State shall promptly submit to EPA upon request any injection well permit information.

G. Emergency Action

The Director shall immediately notify the Regional Administrator by telephone, or otherwise, of any endangerment to public health resulting from the actual or threatened direct or indirect injection of fluids into the ground water of the State.

H. Independent EPA Powers

Nothing in this agreement shall be construed to limit the authority of the EPA to take action pursuant to Sections 1421, 1422, 1423, 1424, 1425, 1431 or other Sections of the SDWA.

\_\_\_\_\_ date \_\_\_\_\_

title \_\_\_\_\_

\_\_\_\_\_ date \_\_\_\_\_

title \_\_\_\_\_